APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/659,416	09/11/2000	Arto Astala	NC28244CIP	4624

			EXAMINER
23860	7590	05/03/2006	NGUYEN, PHUOC H

BRIAN T. RIVERS
NOKIA INCORPORATED
6000 CONNECTION DRIVE
MD 1-4-755
IRVING, TX 75039

ART UNIT	PAPER NUMBER
2143	

DATE MAILED: 05/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/659,416	ASTALA ET AL.
	Examiner	Art Unit	
	Phuoc H. Nguyen	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>*30 January 2006*</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *47-50 and 66-75* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *47-50 and 66-75* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   This communication is responsive to Amendment filed 02/06/2006.

2.   Claims 47-50 and 66-75 are pending in this application. Claims 47, 49, and 70-75 are

independent claims.   In Amendment, claims 1-46 and 51-66 are cancelled. This Office Action is

made final.

Response to Arguments

3.   Applicant's arguments filed 02/06/2006 have been fully considered but they are not

persuasive.

The applicant argues in page 4 second paragraph for all independent claims 47, 49, and

70-75 the cited reference by Guarneri et al. fails to disclose a step of identifying a plurality of

users requiring at least partial software upgrade as cited in the claimed invention.

The examiner respectfully submits that the cited reference by Guarneri et al. logically

discloses the step of identifying a plurality of users requiring at least partial software upgrade for

subsequent distribution as seen in the rejection below in column 4 lines 54-61 and column 12

lines 13-68. In particularly in these citations, the transmitting architecture of the reference for

software upgrade or addition of new software module to the subscribers is most cost-effective

which reducing the amount of data being transmitted to all the subscribers, instead the source

which can be the service provider only transmits to certain regional database server with certain

subscribers. Thus, the source must know ahead which regional database server should receive

transmitted data which merely based on the subscribers.

The applicant argues in page 5 third paragraph for the dependent claim 50, the cited references by Kyle and Guarneri fail to teach or suggest the performance of the virus search on the end service product that is transferred to a terminal server prior to conveyance of the end service product to the terminal server.

The examiner respectfully submits that the cited reference by Guarneri fails to teach performing virus search is made to the end service product prior to conveying the product to the terminal server; however, Kyle teaches virus search is performed to the product before the next destination (Figure 8; and col. 6 lines 8-17). It would have been obvious to one of the ordinary skill in the art at the time of the invention was made to apply the concept of Kyle to perform the virus search to the product before transmit to the next destination such as the host in order to protect the terminal server from viruses and preventing it from transmitting itself across the network.

The applicant further argues in page 6 with respect to claims 66 and 67, the cited reference by Guarneri fail to teach or suggest the identification of terminal servers that did not receive an upgrade and the subsequent provision of the upgrade to those terminal servers in response to activation of terminals supported by those terminal servers that require the upgrade.

The examiner respectfully submits that the cited reference by Guarneri et al. logically discloses the identification of terminal servers that did not receive an upgrade and the subsequent provision of the upgrade to those terminal servers in response to activation of terminals supported by those terminal servers that require the upgrade as seen rejection below in column 6 lines 12-23. In particularly in these citations, when the errors exist during data transmission to

are noted at the receiving stations (e.g. the terminal servers) the system may be programmed to

retransmit the data to those receiving stations (e.g. terminal servers).

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on
> sale in this country, more than one year prior to the date of application for patent in the United States.

5.   Claims 47-49 and 66-75 are rejected under 35 U.S.C. 102(b) as being anticipated by

Guarneri et al. (U.S. 5,724,345).

6.   Re claim 47, Guarneri et al. disclose in Figures 19-20 a method to activate a

configuration tool in a configuration server for managing a configurable controlling function of a

terminal system (e.g. abstract and particularly claim 1 and Figure 20) comprising the steps of:

receiving a configuration upgrade message at the configuration server from a source (e.g.

other end of satellite which provide the source as software upgrade, patch(es), or information to

the subscribers) of an at least partial software upgrade (e.g. source from 2002 to 2006 in Figure 1

and col. 4 lines 54-62 and col. 12 lines 13-68); saving upgrade information in a database

associated with the configuration server (e.g. to the client databases 1902, 1904, 1906 in Figure

19 or to the regional server 2006 in Figure 20, col. 6 lines 12-23; and col. 12 lines 55-57);

identifying a plurality of users requiring at least partial software upgrade; and thereafter

providing the at least partial software upgrade to respective terminal servers associated with the

plurality of users identified to require the at least partial software upgrade for subsequent

distribution by the terminal servers to respective terminals of users identified to require the at

least partial software upgrade (e.g. col. 12 lines 14-68, particularly lines 21-25, lines 46-50 and

58-68 wherein the users are the subscribers to the system, only the regional server(s) with

particular subscriber(s) receives the transmitted information thus, it reducing the cost of network

infrastructure for providing information to mass markets).

7.   Re claim 48, Guarneri et al. further disclose in Figures 19-20 updating at least one

terminal associated with a respective terminal server with the at least partial software upgrade

provided to the terminal server (e.g. col. 4 lines 54-61; and col. 12 lines 13-50).

8.   Re claim 49, it has same limitations cited in claim 47 wherein Guarneri et al. disclose in

Figures 19-20 the source is a service provider. Thus, claim 49 is also rejected under the same

rationale as cited in the rejection of rejected claim 66.

9.   Re claim 66, Guarneri et al. further disclose in Figures 19-20 identifying any terminal

servers, following the provision of the at least partial software upgrade, to which the at least

partial software upgrade has not yet been transferred (e.g. col. 4 lines 54-61; col. 6 lines 12-23,

and col. 7 lines 52 through col. 8 lines 1).

10.   Re claim 67, Guarneri et al. further disclose in Figures 19-20 determining, in response to

activation of a terminal associated with a terminal server, if the terminal server has been

identified as a terminal server to which the at least partial software upgrade has not yet been

transferred and, if so, providing the at least partial software upgrade to the terminal server (e.g.

Figure 18; col. 4 lines 54-61; col. 6 lines 12-23, and col. 7 lines 52 through col. 8 lines 1).

11.   Re claim 68, it has same limitations cited in claim 66. Thus, claim 68 is also rejected

under the same rationale as cited in the rejection of rejected claim 66.

12.   Re claim 69, it has same limitations cited in claim 67. Thus, claim 69 is also rejected

under the same rationale as cited in the rejection of rejected claim 67.

13.   Re claim 70, it is a system claim of claim 47. Thus, claim 70 is also rejected under the

same rationale as cited in the rejection of rejected claim 47.

14.   Re claim 71, it is a system claim of claim 49. Thus, claim 71 is also rejected under the

same rationale as cited in the rejection of rejected claim 49.

15.   Re claim 72, Guarneri et al. disclose in Figures 19-20 a configuration server unit having a

configuration tool for managing a configurable controlling function of a terminal system (e.g.

abstract and particularly claim 1 and Figure 20) comprising: a database (e.g. to the client

databases 1902, 1904, 1906 in Figure 19 or to the regional server 2006 in Figure 20, and col. 6

lines 12-23; col. 12 lines 55-57) for saving upgrade information provided by a source of an at

least partial software upgrade, wherein database associates the saved upgrade information with

the source of the at least partial software upgrade (e.g. col. 4 lines 54-61); and an upgrade server

unit for identifying a plurality of users requiring the at least partial software upgrade and for

thereafter providing the at least partial software upgrade to respective terminal servers associated

with the plurality of users identified to require the at least partial software upgrade for

subsequent distribution by the terminal servers to respective terminals of users identified to

require the at least partial software upgrade (e.g. col. 12 lines 14-68, particularly lines 21-25,

lines 46-50 and 58-68 wherein the users are the subscribers to the system, only the regional

server(s) with particular subscriber(s) receives the transmitted information thus, it reducing the

cost of network infrastructure for providing information to mass markets).

16.   Re claim 73, it has same limitations cited in claim 72 wherein the source is a service

provider. Thus, claim 73 is also rejected under the same rationale as cited in the rejection of

rejected claim 72.

17.   Re claim 74, it is a computer program product claim of claim 47. Thus, claim 74 is also

rejected under the same rationale as cited in the rejection of rejected claim 47.

18.   Re claim 75, it is a computer program product claim of claim 49. Thus, claim 75 is also

rejected under the same rationale as cited in the rejection of rejected claim 49.

Claim Rejections - 35 USC § 103

19.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

20.   Claim 50 is rejected under 35 U.S.C. 103(a) as being obvious over Guarneri et al. (U.S.

5,724,345) in view of Kyle (U.S. 6,141,681).

Re claim 50, Guarneri teaches the end service product is transferred to the terminal

server; however, Guarneri fails to teach virus search is made to the end service product prior to

conveying the product to the terminal server.

Kyle teaches virus search is performed to the product before the next destination (Figure

8; and col. 6 lines 8-17).

It would have been obvious to one of the ordinary skill in the art at the time of the

invention was made to incorporate Kyle's teaching of searching for Virus into Guarneri's method

at the source to provide free virus information to the terminal servers to protect the servers from

viruses and preventing it from transmitting itself across the network.

Conclusion

21.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

22.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

Pandya et al. U.S. Patent 6,671,724

Power, Mark P J. U.S. Pub: 2003/0001888

Klein et al. U.S. Patent 6,526,371

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Phuoc H. Nguyen whose telephone number is 571-272-3919.
The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, David Wiley can be reached on 571-272-3923. The fax phone number for the
organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent
Application Information Retrieval (PAIR) system. Status information for published applications
may be obtained from either Private PAIR or Public PAIR. Status information for unpublished
applications is available through Private PAIR only. For more information about the PAIR
system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR
system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Phuoc H Nguyen
Examiner
Art Unit 2143

May 1, 2006

JEFFREY PWU
PRIMARY EXAMINER